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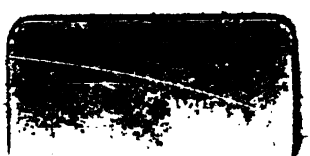

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THE

NATIONAL BAR ASSOCIATION

OF THE

UNITED STATES.

PRELIMINARY STATEMENT.

LIST OF DELEGATES TO CONVENTION,

HELD IN WASHINGTON, D. C.,

MAY 22, 1888.

PROCEEDINGS OF THE CONVENTION.

CONSTITUTION AND BY-LAWS ADOPTED.

WASHINGTON, D. C.:
McQUEEN & WALLACE, LAW PRINTERS, 1108-1116 E STREET.
1888.

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FOREWORD

This is an exact photo reproduction of an original copy of the

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Of The
UNITED STATES

PRELIMINARY STATEMENT

LIST OF DELEGATES TO CONVENTION
Held in Washington, D. C.
May 22, 1888
PROCEEDINGS OF THE CONVENTION
CONSTITUTION AND BY-LAWS

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Buffalo, N. Y.
February, 1941

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HISTORY OF THE MOVEMENT

WHICH RESULTED IN THE FORMATION OF THE

NATIONAL BAR ASSOCIATION

OF THE

UNITED STATES.

At the annual meeting of the Bar Association of the District of Columbia, held on the 11th day of January, 1887, the following resolution was adopted:

"*Resolved*, That the Board of Directors of the association are hereby requested to communicate with the local bar associations throughout the country, and also with the American Bar Association, with the view of forming a national legal body, to be composed of delegates from the various associations, and to meet in annual convention, such body to have for its object the advancement of the science of the law in this country."

On the 10th of May, 1887, the Board of Directors, in carrying out this resolution, sent a circular letter to such bar associations as it had knowledge of, and asked for the views of the members of such associations touching the expediency of the proposed convention, the practicability of securing it, and the means to be adopted for bringing it about.

The replies received to this communication were so uniformly favorable that on the 31st day of December, 1887, the board issued a second circular letter, in which

it announced that, in consequence of the general concurrence of the profession in the practicability and advisability of the proposed organization, it had been decided to hold such a convention as had been suggested in Washington on the 22d day of May, 1888. The associations to which this letter was sent were requested to appoint delegates to represent them in the convention.

From the time this second circular letter was sent out down almost to the day the convention assembled the board was in constant communication with the secretaries of the various associations in reference to the details of the proposed organization, the number of delegates which each association was expected to send, the prospects of a full attendance, and other matters connected with the movement.

This correspondence developed some interesting facts as to the absence in some localities of even a local organization of the profession. The secretary of the Maine State Bar Association, for instance, informed the board that that association had organized in 1883, but had not held a meeting since; and the board learned from lawyers in Kentucky that there is not a single bar association in that state.

From other places came letters saying that the association written to heartily approved the undertaking, but that, owing to the fact that all the local courts would be in session on the 22d of May, it would be impossible for it to be represented at the first meeting.

From every section the board was assured that, if the organization proposed should be formed and its meetings should be held at a season when the courts generally are not sitting, local associations would be formed where now there are none, inactive associations would take on new life, and the whole profession in the United States would come into the national association.

There is in existence no complete list of the bar associations in the United States. The board gathered from various sources the titles of such associations, and in many cases the names of their officers; but some associations never received the circulars intended for them, and to others none were sent because the board had not learned of their existence. Among those who did not receive in time the communications sent them was the Law Association of Philadelphia, whose secretary wrote on the 21st of May that that association on that day had for the first time learned of the call for the convention.

Many of the delegates actually appointed found it impossible to get away, the courts everywhere being in session and business pressing to be disposed of before the summer recess.

The following is a list of the delegates appointed or elected to attend the convention, the names of those who were present being designated by an asterisk (*):

ALABAMA.

State Bar Association.

DELEGATES.

F. G. Bromberg.*
N. H. R. Dawson.*
Milton Humes.
John B. Knox.
James L. Pugh.
L. A. Shaver.*
W. L. Bragg.*
G. W. Hewitt.
H. A. Herbert.*
E. A. O'Neal.
Joseph Wheeler.*
J. S. Winter.*

CALIFORNIA.

Oakland Bar Association.

DELEGATE.

Zach. Montgomery.*

DISTRICT OF COLUMBIA

Bar Association.

DELEGATES.

A. S. Worthington.*
Samuel Shellabarger.*
R. Ross Perry.*
Enoch Totten.
James G. Payne.*
Nathaniel Wilson.*
T. A. Lambert.*
W. F. Mattingly.*
A. C. Bradley.*
J. J. Darlington.*

Federal Bar Association.

DELEGATES.

E. John Ellis.
James Coleman.*
William B. King.*
A. Porter Morse.*
Henry M. Baker.*
W. W. Belknap.*
John Paul Jones.*
John Blair Hoge.*
John S. Blair.*
T. W. Neill.*

GEORGIA.

State Bar Association.

DELEGATES.

James Bishop, Jr.*
Dudley Du Bose.*
Emory E. Best.*
Boykin Wright.

ILLINOIS.

State Bar Association.

DELEGATES.

John C. Black.
S. Z. Landes.
A. E. Stevenson.*
Shelby M. Cullom.
James M. Riggs.
Lawrence Weldon.
George A. Anderson.*

Chicago Bar Association.

DELEGATES.

Melville W. Fuller.
George E. Adams.*
Thomas Dent.
James B. Bradwell.
John N. Jewett.
Julius Rosenthal.
Edwin Walker.
Adolph Moses.
Lyman Trumbull.
William C. Goudy.
William H. Barnum.
Harvey B. Hurd.
Charles M. Hardy.
Abram M. Pence.
Owen F. Aldis.
Wirt Dexter.
Edw. S. Isham.
Charles C. Bonney.
William G. Ewing.
James L. High.
William Burry.
Clarence A. Knight

LOUISIANA.

New Orleans Bar Association.

DELEGATE.

Percy Roberts.*

MARYLAND.

Baltimore City Bar Association.

DELEGATES.

J. Morrison Harris, Chairman.*
John J. Donaldson.
Charles Marshall.
William T. Brantly.*
John R. Cowen.
Charles J. Bonaparte.
Albert Ritchie.*
Richard M. Venable.*

MASSACHUSETTS.

Berkshire County Bar Association.

DELEGATES.

Henry L. Dawes.*
Frank W. Rockwell.

MINNESOTA.

St. Paul Bar Association.

DELEGATES.

C. K. Davis. S. J. R. McMillan.

MISSOURI.

St. Louis Bar Association.

DELEGATES.

Charles C. Allen.
William H. Bliss.*
Given Campbell.
John D. Johnson.
Edward C. Eliot.*
James O. Broadhead.*
Gist Blair.*
John D. Davis.*
Warwick Hough.
G. A. Finkelnburg.*
George Dennison.

MICHIGAN.

Detroit Bar Association.

DELEGATE.

Don M. Dickinson.

NORTH CAROLINA.

State Bar Association.

DELEGATES.

Edward C. Smith.* F. H. Busbee.*
John F. Hoke.*

NEW HAMPSHIRE.

Grafton and Coos County Bar Association.

DELEGATES.

William E. Chandler. George W. Chapman.*

NEW YORK.

[The secretary of the New York State Bar Association, on the 4th day of May, 1888, notified the Bar Association of the District of Columbia that delegates would be in attendance at the convention from the New York State Bar Association, but the names of the delegates have not been received.]

OHIO.

State Bar Association.

DELEGATE.

H. Elliott.*

Cincinnati Bar Association.

DELEGATES.

Benjamin Butterworth.
N. H. Davis.*
A. A. Ferris.
W. H. McCoy.
J. R. Sayler.
L. C. Black.
John M. Foster.
Howard C. Hollister.
Thomas B. Paxton.
Job E. Stevenson.*

Cleveland Bar Association.

DELEGATES.

George T. Chapman.*
J. M. Henderson.*
Amos Dennison.
W. B. Saunders.
Andrew Squire.*

Dayton Bar Association.

DELEGATES.

O. M. Gottschall.*
R. D. Marshall.*
L. B. Gunckel.*
J. A. McMahon.*

Franklin County Bar Association.

DELEGATES.

R. A. Harrison.
W. O. Henderson.
J. W. Mooney.

ALTERNATES.

J. W. GILMORE. JOSEPH H. OUTHWAITE.
D. C. MCNAGHTEN.

Akron Bar Association.

DELEGATE.

A. C. VORIS.*

Toledo Bar Association.

DELEGATES.

JOHN H. DOYLE.* RICHARD WAITE.

ALTERNATES.

A. W. SCOTT. F. B. SWAYNE.

PENNSYLVANIA.

Allegheny County Bar Association.

DELEGATES.

THOMAS M. BAYNE. S. A. MCCLUNG.*
JOHN DALZELL.* WELTY MCCULLOUGH.*
M. A. WOODWARD.*

Centre County Bar Association.

DELEGATES.

D. S. KELLER.* CHARLES P. HUGHES.
L. M. SCHAEFFER. JOHN KLINE.*
J. C. MEYER.

Lancaster County Bar Association.

DELEGATES.

AUGUSTUS ATLEE. N. ELLMAKER.
H. C. BRUBAKER.* D. G. ESHLEMAN.
H. M. NORTH. A. C. REINOEHL.*

Lawrence County Bar Association.

DELEGATE.

O. L. JACKSON.*

ALTERNATE.

D. B. KURTZ.

Northampton County Bar Association.

DELEGATES.

E. J. FOX. W. S. KIRKPATRICK.
RUSSELL C. STEWART.*

Schuylkill County Bar Association.

DELEGATES.

CHARLES N. BRUMM. W. A. MARR.
GUY E. FARQUHAR.* C. F. SHINDEL.*
GEORGE J. WADLINGER.*

Wilkes Barre County Bar Association.

DELEGATES.

J. VAUGHN DARLING. ALLEN H. DICKSON.
H. H. PALMER.

SOUTH CAROLINA.

State Bar Association.

DELEGATES.

M. C. BUTLER.* JOHN J. HEMPHILL.*
SAMUEL DIBBLE.* A. C. HASKELL.
JAMES L. ORR.

TENNESSEE.

[The president of the State Bar Association, H. H. INGERSOLL, under date of April 30, 1888, notified the Bar Association of the District of Columbia that he and twenty others had been appointed delegates, but the names of the others have not been received.]

TEXAS.

San Antonio Bar Association.

DELEGATE.

J. W. Clous.*

VERMONT.

State Bar Association.

DELEGATES.

George F. Edmunds. John W. Stewart.
W. W. Trout.

VIRGINIA.

Richmond Bar Association.

DELEGATES.

Frank W. Christian.
James Caskie.*
William H. Sands.*
James Lyons.*
Charles V. Meredith.*
James Pleasants.

WEST VIRGINIA.

State Bar Association.

DELEGATES.

B. M. Ambler.*
J. D. Ewing.*
D. B. Lucas.
John J. Davis.
E. B. Knight.
J. H. Brown.*
John A. Hutchinson.*
B. S. Allison.*
C. J. Faulkner.
George E. Price.*

WASHINGTON TERRITORY.

Bar Association of Territory.

DELEGATE.

James McNaught.*

MONTANA TERRITORY.

Bar Association of Territory.

DELEGATE.

JOSEPH K. TOOLE.

[In response to the invitation sent to the American Bar Association, Mr. E. O. HINKLEY, secretary of that association, was present at the convention, but stated that he had no authority to act as a delegate.]

PROCEEDINGS OF THE CONVENTION.

WASHINGTON, D. C., *May 22, 1888.*

The delegates met at 2.30 p. m. in the Universalist Church, corner of Thirteenth and L streets northwest, and were called to order by Mr. A. S. WORTHINGTON, President of the Bar Association of the District of Columbia, who said:

"GENTLEMEN: On behalf of the Bar Association of the District of Columbia, whose spokesman I happen to be at this time, it has been thought proper that I should state formally and briefly for what purpose those who are now here have been requested to present themselves in Washington to-day.

"About one year ago, at a meeting of the Bar Association of the District, this subject was broached. The matter which was in our minds at that time was that the lawyers of the United States ought to be organized; that they never had been organized, and that the time had arrived when a permanent organization should be brought about. It was not a matter which originated in our minds alone. We had found, upon consulting with lawyers from all parts of the country—and we are peculiarly situated here with reference to being able to obtain the ideas of our brethren throughout the Union, because they all come here, sooner or later—that it was the general opinion of the lawyers of the country that they ought to be organized, in order, among other things, that they might bring about in a great many respects uniformity in the laws of the several states. Every business man has felt the inconvenience of the present state of things, but only a lawyer can realize the extent of the losses brought upon the people of this country by the fact of the existence of diverse laws in the different states in reference to matters as to which there exists no

good reason for a distinction. The most important of these subjects, perhaps the one as to which the injury resulting from this diversity is most widely felt, is the law of commercial paper. Business men now are not limited in their transactions by state lines; their transactions extend all over the country. Yet they find that their commercial paper is governed by one law in one state, by another law in another state, and by a third law in a third state; and sometimes there are two different laws in the same state, because while the supreme court of a state, by its decisions, may fix the law in relation to commercial paper for transactions between its citizens, the Supreme Court of the United States fixes it in relation to transactions between the citizens of that state and the citizens of other states.

"So with reference to the statute of limitations. In one jurisdiction, as in this District, an action upon a contract in writing, not under seal, will be barred in three years; while in another, as, for instance, in Ohio, the statute of limitations on such paper is fifteen years. And in respect of actions for torts, or on verbal agreements, or upon sealed instruments, the same unreasonable diversity exists. Again, while in one state a creditor, who has allowed his action to be barred by the statute of some other state where he and his debtor reside, will not be permitted to sue his debtor in a strange country upon a cause of action that is barred at home, yet perhaps the citizens of the very state which has enacted so just a law may find themselves in other jurisdictions deprived of the like protection.

"So in regard to wills and conveyances. It is an every-day occurrence for us here to find that a man owning real estate in the District of Columbia and residing somewhere else has made a will, vainly supposing the object of his bounty will receive his real estate in this District. When we hear a man has made a will in some other jurisdiction attempting to convey real estate here, we are inclined to take it for granted it will be futile, because there is not, perhaps, one case out of a dozen where it happens the testator knows that in this jurisdiction three witnesses are required to a will devising

real property. So of the conveyances of real estate, and the forms of acknowledgment by which they are evidenced. Every lawyer knows the expense and trouble that result from the fact that a deed which is properly acknowledged for record in one state is badly acknowledged for record in another. I might go on and cite other instances, but it is not necessary to weary lawyers with the details of these things. I have merely mentioned a few instances of known existing evils, a remedy for which has long been demanded.

"That being so, the question arose in our minds as to what is the proper remedy. It seemed to us upon consideration that there could be but one reply. There is nobody to attend to these things. The Congress of the United States has power under the constitution to attend to certain matters for the entire Union, but these subjects are without its jurisdiction, except, perhaps, as to commercial law. In that respect no doubt Congress may provide a statute which will govern in inter-state transactions, but that would only make the matter worse by adding another rule to those we have now. There is nobody whose business it is to provide a remedy for these great and growing evils.

"Lawyers make the laws. The legal profession is held responsible for the defects in the laws. And that profession has taken no action in these matters, because it has had no opportunity to take any action. There is no organization representing even two states, much less all of the states. We thought it necessary, therefore, that the lawyers of the country should be organized for this purpose, and it seemed to us that there was but one way to do it. We have throughout the country, already created, numerous organizations of lawyers, most of them active and vigilant, some few, unfortunately, moribund. We find in very many of the cities, especially the larger cities of the United States, organizations of lawyers who seem to be engaged in doing something and accomplishing results. It came into our minds that the proper way to provide a remedy for the evils to which I have been referring was to call upon these associations to send representatives here, that we might all unite and cre-

ate a central organization which should encourage the growth of bar associations all over the land, so that in time to come the lawyers of this country might have one great organization representing all of the states of the Union, and would have one body to which they could report their views on these various subjects, and which could take action thereupon—which could find out the evils that exist by the reports from all the states, and decide what should be done to provide a remedy. And, a remedy being devised in that way, we thought it would not be difficult to apply it.

"Perhaps some of you have not thought of the importance of the legal profession in the United States, and the power it has for good if we but use it. In the government of the United States, as well as in the government of every state in this Union, the legal profession in the first place has absolute control of one department, the judiciary. Every judge must step from the ranks of the bar. If you go into the legislatures you will find the majority of the members composed of lawyers; sometimes as many as two-thirds of the members are lawyers. There may not always be a majority, but in matters of this kind, which relate largely to form and legal procedure, lawyers absolutely direct everything. Even if you go to the executive department of the government you find lawyers everywhere. Take as an example the executive department of the United States at the present time. The President and every member of his cabinet is a lawyer. Their predecessors were nearly all lawyers. So it has been from the beginning. So it is in the states, I believe, to a very large degree, although perhaps not to such a great extent as here.

"Now, this being so, it must be that such a representative body of lawyers as is proposed, organized for the purpose which I have suggested—not for any selfish purpose—shall succeed in their undertaking. It must be that by a national association, reported to and aided by local associations in all the states, it will be possible to bring about uniformity in the laws on such subjects—to bring order out of the chaos that now ex-

ists. It was mainly with that end in view, gentlemen, that we issued our call for this convention. It is to that end I know, from conversing with nearly all of you, that you are here. That this convention will result in such an organization is already assured.

"We thank you for coming, gentlemen, and are glad to see you here. It is fitting, I think, that this meeting, whose purpose is national, should be held in the city of Washington. Here you meet upon common ground. Here you all feel at home. Here you *are* at home, because this city belongs to you as much as it does to those who reside here, and you are not strangers in the capital of the United States.

"Having now performed the duty which was devolved upon me, the only thing that remains for me to do is to name a candidate for the office of Chairman of this convention. I have been instructed by the Bar Association of the District—and I know it will meet the approbation of very many of the delegates here—to name JAMES O. BROADHEAD, of St. Louis, for that office."

Mr. WORTHINGTON put the question, and Mr. BROADHEAD was elected Chairman by a unanimous vote.

Mr. BROADHEAD then took the chair, and said:

"GENTLEMEN: This honor is unexpected to me. I did not learn until I came into the room that my name would be mentioned in connection with the office of Chairman of this association. I was appointed by the president of the St. Louis Bar Association as one of the delegates, at the invitation of the Bar Association of the District of Columbia, to attend this meeting. It is due to you, as well as to myself, to say that when it was mentioned that the object was the formation of a national bar association I stated to him, as I state to you now, that I have been for the last ten years a member of the American Bar Association, which numbers, I think, now over seven hundred members. That association has held annual meetings at Saratoga. They have done something, I think, toward the promotion of the cause in which we are all engaged. I wish to do

nothing, to take no step, which will come in conflict with that organization. I was assured that this would not be the case, and I come here as a delegate under those circumstances.

"The American Bar Association, I think, has established itself. It may not be as efficient as it ought to be, but it has done some good.

"In regard to the subjects which have been alluded to by the gentleman who has just addressed you [Mr. WORTHINGTON], I will say that the American Bar Association has taken into consideration some questions of general law, and has been enabled to secure the adoption of some few laws in many states in the Union. There should be unity of action between that association and any association that may be organized here.

"The gentleman has well said that the legal profession occupy a very important position in this country. They exercise, and justly exercise, a great influence, not only upon the public policy of the country, but upon the laws which affect individual rights. Particularly are their efforts important in guarding well the principles of our fundamental law. The legal profession are especially charged with protecting from all invasions the foundation of the Republic, of guarding individual rights, and seeing to it that the barriers of the constitution are not overleaped by any of the departments of the government. The legislature may pass inexpedient and unconstitutional laws, the executive department may be guilty of outrages against individual rights, but we have the consolation of knowing that it has been established as a fundamental principle in our system of government that the judiciary, after all, is to determine the limits of power in regard to every other department of the government. Whatever calamities may befall us as a nation, we must look, as we have heretofore looked, to the judiciary to protect individual rights and to guard against any encroachments upon our fundamental law. They have been taken from our profession, but we look to them not only because they have been taken from our profession, but because they are aided and guided in their deliberation by the members of that profession at

every step that they take in deciding upon questions which may come before them. There is no question but that the arguments of the counsel before the highest courts in this land give these courts assistance, and aid them in interpreting and enforcing the laws of the country, protecting individual rights, and protecting our fundamental law. For this reason, as the gentleman has well said, there should be unity of action among the profession all over the country; and the question to be determined here, I take it, as the most important question, is how that unity of action may be best secured, so that we may act harmoniously from Maine to California, from the North to the South, so that by this unity of action they may aid in the enactment of such laws as will promote the interests and welfare of our fellow-citizens in every part of this Republic.

"In a recent visit to France I was particularly struck with this fact: That nowhere, I believe, in any civilized country with whose institutions I am familiar, is the law enforced more strictly or are individual rights better guarded than in the French Republic. The history of that people shows that amid all their social revolutions, all the convulsions that have taken place from time to time during the greater part of the last century commencing in 1790, the laws which they have made under every system of government have been strictly enforced. Furthermore, they have been intelligently made. I attribute that fact to the existence of the Order of Advocates and the Conseil d'Etat in the French Republic, which has existed and exercised its influence in every mutation of the government that has taken place in that country, and has enabled the French people to secure a fair, equal, and just administration of the law. There was no bill ever passed by the French Assembly or other legislative body that was not submitted to the Conseil d'Etat for its revision. That body of lawyers existed in the time of Louis XIV, and exists to-day. Its opinion has the force of law. So in regard to the Order of Advocates. They are separated from the great public. They have nothing to do with party politics, but devote themselves to the study and practice of the law, civil

and political; and I attribute the present condition of things, so far as the security of individual rights and the just administration of the law are concerned, to the existence and influence of those two institutions, which have existed under the monarchy, under the consulate, under the republic, and under the empire. They have had their influence in all this time upon the French people.

"There is no telling what influence can be exerted, what influence ought to be exerted, by the legal profession throughout this country. Their influence best secures good laws, because they are in the habit of studying the use of language in the statutes, interpreting the provisions of the constitution, investigating individual rights, and determining great public questions. It is very important, then, that they should come before the public and exercise that influence, and that they should be united in this work of securing good laws and uniform laws on many important subjects, as far as possible, in every state of the Union, so that the rights of individuals and property may be better secured. Of course, this must be done by suggestion, influence, and counsel. There are a great many subjects—I may say the great majority of subjects—in which all of us are interested in which the Federal Government can exercise no control. The laws must be passed by the states; and in regard to a great many questions, it is all-important that those laws passed by the states shall be uniform, in order that commerce may be protected, that individual rights may be protected, and that we may secure the end that we all ought to have in view—the just administration of just laws throughout the whole country.

"I thank you, gentlemen, for the honor that has been conferred upon me in being called upon to preside over your deliberations on this occasion. The most important question for us to determine, I think, is that there shall be unity and concert of action in regard to the position that shall be taken and the work that shall be done by the legal profession in an assemblage such as this. So far as some of the questions are concerned, we are here as representatives, I believe, of the different bar

associations of the different states of the Union. There is a provision in the by-laws of the American Bar Association which authorizes the different state bar associations to send delegates to that body. In some instances it has been done, but not often. There each person, when he becomes a member, continues to be so. It is not a mere representative body. Such delegates only are authorized to sit during that particular session of the American Bar Association. The by-laws provide, I believe, for the appointment of three delegates from each state bar association and two delegates from local bar associations where there are no state bar associations; but the organization of this body is, as I understand, to be different, but not conflicting. It is to have representatives from all the bar associations of every state and city in the Union, local and state, who meet in a purely representative capacity.

"I am utterly uninformed as to what course is proposed to be taken in reference to this organization. I am here for the purpose of aiding, as far as I can, in the promotion of the objects in view in the call which has been made by the members of the Bar Association of the District of Columbia. As I have understood them, every effort of the kind should, in my judgment, be encouraged. It is a praiseworthy object, and I hope it will be successful." [Applause.]

Mr. WORTHINGTON moved that Mr. RUSSELL STEWART (of the Northampton County (Pennsylvania) Bar Association) be elected Secretary of the convention.

The motion was unanimously agreed to.

Mr. SHELLABARGER (of the Bar Association of the District of Columbia). Mr. Chairman, I move the adoption of the following resolution:

"*Resolved*, That a committee of fifteen delegates be appointed by the Chairman to consider and report to the convention a proper constitution and by-laws for the organization of a national representative bar association."

This motion was seconded, and was unanimously adopted. Under this resolution the Chairman appointed the following committee:

SAMUEL SHELLABARGER	Bar Association District of Columbia.
R. ROSS PERRY	Bar Association District of Columbia.
G. A. FINKELNBURG	St. Louis (Mo.) Bar Association.
JOB E. STEVENSON	Cincinnati (Ohio) Bar Association.
JOHN H. DOYLE	Toledo (Ohio) Bar Association.
GUY E. FARQUHAR	Schuylkill County (Pa.) Bar Association.
JOHN BLAIR HOGE	Federal Bar Association.
GEORGE E. PRICE	West Virginia State Bar Association.
FRED. G. BROMBERG	Alabama State Bar Association.
J. MORRISON HARRIS	Baltimore (Md.) Bar Association.
CHARLES V. MEREDITH	Richmond (Va.) Bar Association.
JAMES BISHOP, Jr.	Georgia State Bar Association.
EDWARD G. SMITH	North Carolina State Bar Association.
ZACH. MONTGOMERY	Oakland (Cal.) Bar Association.
J. W. CLOUS	San Antonio (Tex.) Bar Association.

The convention then, at 3.35 p. m., on motion of Mr. WHEELER (of the Alabama State Bar Association), adjourned until 10 o'clock a. m. of Thursday, May 23.

THURSDAY, *May 23, 1888.*

The Chairman called the convention to order at 10.23 a. m.

The minutes of the proceedings of yesterday were read by the Secretary, and were approved.

Mr. R. ROSS PERRY (of the Bar Association of the District of Columbia), on behalf of the Committee of Fifteen, in the temporary absence of Mr. SHELLABARGER, the chairman of the committee, reported a draft of the Constitution and By-Laws, which the committee unanimously recommended to the convention for adoption. This Constitution and these By-Laws were considered by the convention section by section, and several of the sections were amended.

The Constitution and By-Laws as amended were then adopted by a unanimous vote.

They are as follows:

PREAMBLE.

Whereas there are now organized throughout the several states of the American Union sundry bar associations, the declared objects of which, expressed with substantial identity, are to maintain the honor and dignity of the profession of the law, to increase its usefulness in effecting the due administration of justice, and to promote the mutual improvement and fraternal intercourse of its members; and

Whereas the scope and operation of these local associations, whether state, county, or city, are more or less limited and confined by their local nature; and

Whereas it seems proper and expedient that their several forces should be combined and strengthened and their common scope extended by forming a central National Bar Association, to be composed of delegates duly elected as representatives from and by each of the said local associations: Now, therefore,

Be it resolved, That we, delegates duly appointed by bar associations, assembled in convention in the city of Washington, District of Columbia, do, this 23d day of May, A. D. 1888, hereby constitute ourselves an association, to be called THE NATIONAL BAR ASSOCIATION OF THE UNITED STATES, and do adopt the following Constitution and By-Laws for the organization and government of the said association.

CONSTITUTION.

NAME.

ARTICLE I. The name of this association shall be THE NATIONAL BAR ASSOCIATION OF THE UNITED STATES.

OBJECTS.

ARTICLE II. Its objects shall be as follows:

To promote the unification, so far as practicable, of the laws of the various states which relate to matters in which the people of the United States have a common

interest, such as the laws of descents, of wills and conveyances, of marriage and divorce, of limitations of actions, for the settlement of estates, the laws affecting comity between the states, the extradition of criminals, those concerning commercial paper, and all other laws which may from time to time be designated by the association as proper subjects of unification;

To study the condition and promote the improvement of the judicial system of the states and of the United States;

To promote among members of the association a knowledge of the laws of the various states and of the United States;

To consider the necessity and practicability of the establishment of international codes between civilized and commercial nations;

To promote and extend acquaintance and fellowship among the members of the profession in the United States;

To devise methods for maintaining the standards of professional honor and ethics among the members of the profession in the United States; and, generally,

To promote the science of the law and the due administration of justice.

MEMBERSHIP.

ARTICLE III. This association shall be purely representative in its membership, and shall be composed of delegates, to be chosen, as is hereinafter provided, from such state, county, parish, or city bar associations represented in the convention adopting this Constitution as shall ratify the same, and from such other bar associations as shall from time to time be admitted to membership herein by a majority vote of the delegates present at any annual meeting of this association hereinafter provided for. Nevertheless, from the necessity of the case, such of the delegates of the convention adopting this Constitution as shall by it be elected officers or appointed upon committees of this association shall be delegates to the first annual meeting of this association.

ELECTION OF DELEGATES.

ARTICLE IV. Before each annual meeting of this association, as is hereinafter provided for, each association entitled to representation shall appoint or elect from its regular members, in such manner as it shall determine, delegates to the said annual meeting; and such association shall be entitled to representation according to the following plan:

Associations containing fifty or fewer members shall each send three delegates, and not more.

Each association of more than fifty members shall be entitled to a further representation of three delegates for each additional group of fifty members. Such further representation shall be allowed so soon as any such group shall be more than half complete; but each group shall be complete before any representation shall be allowed on account of the succeeding group.

At the first election held under the provisions of this article these delegates shall be divided into three classes, the first of which shall serve for one year, the second for two years, and the third for three years from and next after their election; but thereafter, as the terms of each class shall in turn expire, their successors shall be annually elected for a term of three years.

Each association shall make such division and assignment of its delegates into and among the said three classes, and shall pursue a like course with respect to additional delegates from time to time to it allowed. Each shall also have power to fill, and provide for, all vacancies among its delegates by the election of alternates, or otherwise, as it shall determine.

The word *election* as used in this article shall include *appointment.*

ANNUAL MEETINGS.

ARTICLE V. This association shall meet annually, at such time and place as the majority of the delegates present at the previous annual meeting shall have determined. The first annual meeting shall be held in the city of Cleveland, Ohio, on the 8th day of August, 1888.

Special meetings shall be held only pursuant to an order of the Executive Committee, approved by the President of the association. Thirty days' notice of the time and place of such meeting shall be given by the Secretary to each delegate.

QUORUM.

ARTICLE VI. A majority of the whole number of delegates in attendance at any annual meeting shall constitute a quorum of the association: *Provided*, That not less than forty members shall constitute a quorum.

OFFICERS.

ARTICLE VII. The officers of this association shall consist of a President, a Vice-President from each judicial circuit of the United States represented in this association, a Secretary, and a Treasurer. These shall, respectively, be charged with the duties incident to the office held by each, and shall be elected annually by ballot. No person shall be eligible to successive terms as President.

COMMITTEES.

ARTICLE VIII. There shall be the following standing committees, to be appointed annually by the President:

(1) An Executive Committee, of which the President, Secretary, and Treasurer shall be members *ex officio*, consisting of nine members, which, subject to this Constitution and the By-Laws adopted thereunder, shall have general charge of the affairs of the association.

(2) A Committee on Uniformity of Laws, consisting of one member from an association in each state represented in this association, whose duty it shall be to examine and compare the laws of the several states on such subjects as may be designated by the association, and to frame and report to the association, as to each subject so designated, such a statute as it shall deem proper to be submitted by the association to the several states for adoption by them, in lieu of existing laws on such subject.

(3) A Committee on Bar Associations, consisting of nine members, whose duty it shall be to encourage the formation of state and local bar associations throughout the United States, and to aid in the concentration of the influence of such organizations through the instrumentality of this association.

(4) A Committee on Law Reform, consisting of nine members.

(5) A Committee on Legal Ethics, consisting of nine members.

(6) A Committee on Legal Education and Admission to the Bar, consisting of nine members.

(7) A Committee on International Law, consisting of nine members.

(8) A Committee on Printing, consisting of five members.

The duty of each of the five last-named committees shall be the consideration of and reporting upon the subjects named in the title of such committee, and the performance of such further duty in connection therewith as the association shall from time to time specially direct.

Special committees may from time to time be appointed.

Each committee shall have power to fix its own quorum.

BY-LAWS.

ARTICLE IX. By-Laws not inconsistent with this Constitution may be adopted at any annual meeting of this association. The By-Laws appended hereto shall be in force as such until altered or amended by any such meeting.

DUES.

ARTICLE X. Each association shall pay five dollars to the Treasurer as annual dues for each delegate to which it is entitled. The collection of these dues shall be provided for by the By-Laws, and the fund so raised shall be applied as the association shall direct.

AMENDMENTS.

ARTICLE XI. This Constitution may be amended at any annual meeting by a vote of two-thirds of the members present: *Provided*, That three months' notice shall have been previously given, in writing, of the subject-matter of the proposed amendment to each association represented in this association.

CONSTRUCTION.

ARTICLE XII. The word *State*, wherever used in this Constitution, shall be deemed to be equivalent to *State*, *Territory*, and the *District of Columbia*.

BY-LAWS.

(1) The Executive Committee, subject to the control of the association and within the limits of the power prescribed by the Constitution and By-Laws, may make such provisions and regulations and take such action as shall by them be deemed necessary or proper for the conduct of the affairs and proceedings and for the protection and disposition of the property of the association.

In case of a vacancy in any office, it shall be filled by appointment by the Executive Committee; which, however, shall appoint a Vice-President only to the office of President.

(2) The order of business at the annual meeting shall be as follows:

(*a*) Reading and approving of the minutes of the preceding meeting.

(*b*) Verification of credentials and admission of new delegates.

(*c*) Address of the President.

(*d*) Reports of Secretary and Treasurer.

(*e*) Reports of standing committees, in the order named in the Constitution.

(*f*) Reports of special committees.

(*g*) Election of officers.

(*h*) Miscellaneous business.
(*i*) Announcement by President-elect of appointments on committees.

(3) No delegate shall speak more than fifteen minutes at a time, or more than twice on any one subject, except by consent.

(4) The proceedings of the annual meeting shall in all cases be published. All other printing shall be ordered by the association upon the report of the Committee on Printing, to whom all motions to print shall be referred, and who shall have power to report at any time.

(5) The terms of office of all officers elected at any annual meeting shall commence at the adjournment of such meeting.

(6) All standing committees shall be appointed by the President-elect before the adjournment of each annual meeting, and they shall meet and organize so soon thereafter as conveniently may be. They shall also meet annually on the day preceding the annual meeting, at the place where the same is to be held; but special meetings of any committee may be held at such time and place as its chairman may appoint.

(7) All publications directed to be made in the manner hereinbefore provided shall be paid for by the association, and shall be distributed among the delegates and the several bar associations represented in this association without expense to them.

(8) The Treasurer shall collect the annual dues at the annual meeting in advance, and any association failing to pay the same on demand shall not be entitled to representation.

(9) At any annual meeting members of the bar of any foreign country may be admitted to the privileges of the floor during such meeting.

When Article V of the Constitution was under consideration, Mr. ANDREW SQUIRE, one of the delegates from the Cleveland Bar Association, said:

"Mr. PRESIDENT: I rise to say that it is with pleasure and pride that the delegates from Cleveland perceive that, notwithstanding the fact that we did not have a representative on the committee which framed this Constitution, Cleveland has been selected as the place for holding the first annual meeting of this association, and on behalf of the Cleveland Bar Association we extend our most cordial and hearty invitation to the delegates here assembled to meet with us there. We believe that we know what good fellowship is, and what ties between lawyers should be. We will do our utmost to greet the delegates from all parts of the country, and when this association shall meet in Cleveland I hope there will be no vacant seats, as there are necessarily at this first meeting. Our heartiest invitation, with the promise that we will do our best, is extended to the bar associations and to their representatives, from all parts of the country, to meet us at Cleveland in August."

Mr. A. S. WORTHINGTON (of the District of Columbia Bar Association) moved that the association proceed to the election of officers. This motion was seconded and unanimously agreed to.

Mr. JOB E. STEVENSON (of the Cincinnati Bar Association) moved that the Secretary be instructed to cast the ballots of the Association for Mr. JAMES O. BROADHEAD (of St. Louis, Mo.) for President of the association.

As Mr. BROADHEAD was Chairman, Mr. STEVENSON put the motion to the association, and it was agreed to unanimously.

Thereupon the following delegates were elected Vice-Presidents of the association for the respective circuits of the United States set opposite their names:

First circuit . . WILLIAM E. CHANDLER, of Grafton and Coos County (New Hampshire) Bar Association.
Second circuit . GEORGE F. EDMUNDS, of Vermont State Bar Association.
Third circuit . . GUY E. FARQUHAR, of Schuylkill County (Pennsylvania) Bar Association.
Fourth circuit . A. S. WORTHINGTON, of Bar Association of the District of Columbia.
Fifth circuit . . PERCY ROBERTS, of New Orleans (La.) Bar Association.
Sixth circuit . . JOHN H. DOYLE, of Toledo (Ohio) Bar Association.
Seventh circuit . GEORGE E. ADAMS, of Chicago (Ill.) Bar Association.
Eighth circuit . GIVEN CAMPBELL, of St. Louis (Mo.) Bar Association.
Ninth circuit . . ZACH. MONTGOMERY, of Oakland (Cal.) Bar Association.

On motion of Mr. JOHN H. DOYLE (of the Toledo Bar Association), Mr. R. ROSS PERRY (of the Bar Association of the District of Columbia) was unanimously elected Secretary.

On motion of Mr. JAMES LYONS (of the Richmond Bar Association), Mr. LEWIS B. GUNCKEL (of the Dayton Bar Association) was unanimously elected Treasurer.

Mr. GUNCKEL then said that, acting upon the suggestion made by the President [Mr. BROADHEAD], in his opening remarks, in relation to the American Bar Association, he wished to offer a resolution, and that he did so because he understood that the report had gone out that this association is in some way in interference with or in opposition to the American Bar Association. He added that to contradict any rumor of that sort, and to show the cordial good feeling that he thinks will exist, and ought to exist, between the associations, he offered this resolution:

"*Resolved*, That in the formation of the National Bar Association we disavow any purpose to supersede, oppose, or interfere with the American Bar Association, and we send it our fraternal greetings, and invite it to co-operate with us in the accomplishment of the purposes for which both associations have been formed."

This resolution was unanimously adopted.

The President then announced the following committees:

Executive Committee.

JAMES O. BROADHEAD (*ex officio*)	St. Louis (Mo.) Bar Association.
R. ROSS PERRY (*ex officio*)	Bar Association District of Columbia.
LEWIS B. GUNCKEL (*ex officio*)	Dayton (Ohio) Bar Association.
J. MORRISON HARRIS	Baltimore (Md.) Bar Association.
S. A. MCCLUNG	Allegheny Co. (Pa.) Bar Association.
JAMES CASKIE	Richmond (Va.) Bar Association.
B. M. AMBLER	West Virginia State Bar Association.
F. H. BUSBEE	North Carolina State Bar Association.
JAMES BISHOP, Jr.	Georgia State Bar Association.

Committee on Uniformity of Laws.

State.	Delegate.	Bar Association.
Alabama	F. G. BROMBERG	Alabama State.
California	ZACH. MONTGOMERY	Oakland.
District of Columbia	WILLIAM F. MATTINGLY	District of Columbia.
Georgia	E. F. BEST	Georgia State.
Illinois	GEORGE E. ADAMS	Chicago.
Louisiana	PERCY ROBERTS	New Orleans.
Maryland	ALBERT RITCHIE	Baltimore.
Massachusetts	H. L. DAWES	Berkshire County.
Michigan	DON M. DICKINSON	Detroit.
Minnesota	C. K. DAVIS	St. Paul.
Missouri	G. A. FINKELNBURG	St. Louis.
North Carolina	EDWARD C. SMITH	North Carolina State.
New Hampshire	GEORGE W. CHAPMAN	Grafton and Coos Co.
New York		
Ohio	JOB E. STEVENSON	Cincinnati.
Pennsylvania	H. M. NORTH	Lancaster County.
South Carolina	JOHN J. HEMPHILL	South Carolina State.
Texas	J. W. CLOUS	San Antonio.
Tennessee	HENRY H. INGERSOLL	Tennessee State.
Vermont	JOHN W. STEWART	Vermont State.
Virginia	WILLIAM H. SANDS	Richmond.
Washington Terr.	JAMES MCNAUGHT	Washington Terr.
West Virginia	GEORGE E. PRICE	West Virginia State.

Committee on Bar Associations.

B. S. ALLISON, of West Virginia State Bar Association.
AMOS DENNISON, of Cleveland (Ohio) Bar Association.
EDWARD C. ELIOT, of St. Louis (Mo.) Bar Association.
A. C. HASKELL, of South Carolina State Bar Association.
JOSEPH S. KELLER, of Centre County (Pa.) Bar Association.
T. A. LAMBERT, of Bar Association District of Columbia.
CHARLES MARSHALL, of Baltimore (Md.) Bar Association.
CHARLES V. MEREDITH, of Richmond (Va.) Bar Association.
J. S. WINTER, of Alabama State Bar Association.

Committee on Printing.

THOMAS M. BAYNE, of Allegheny County (Pa.) Bar Association.
ANDREW C. BRADLEY, of Bar Association District of Columbia.
J. J. DARLINGTON, of Bar Association District of Columbia.
J. D. EWING, of West Virginia State Bar Association.
R. ROSS PERRY, of Bar Association District of Columbia.

JOHN H. DOYLE (of the Toledo Bar Association) moved that the appointment of the Committees on Law Reform, on Legal Ethics, on Legal Education and Admission to the Bar, and on International Law be postponed until the first annual meeting. The motion was seconded and unanimously agreed to.

Mr. FINKELNBURG (of the St. Louis Bar Association) offered the following resolution:

"*Resolved*, That the Committee on Uniformity of Laws be instructed to consider the feasibility of procuring uniform legislation on the subject of negotiable paper."

Adopted.

On motion of Mr. WORTHINGTON, the same committee was instructed to consider and report on the subject of the statutes of limitations in personal actions.

Mr. WADLINGER (of the Schuylkill County, Pennsylvania, Bar Association) offered the following resolution:

"*Resolved*, That the Committee on Uniformity of Laws be instructed to investigate the question of the feasibility of the several States passing and adopting uniform laws on marriage and divorce, and to report at a future meeting of this association."

Adopted.

Mr. STEVENSON (of the Cincinnati Bar Association) offered the following resolution:

"*Resolved*, That the Committee on Uniformity of Laws be instructed to consider the subject of the extradition of criminals."

Adopted.

Mr. HUTCHINSON (of the West Virginia State Bar Association) offered the following resolution:

"*Resolved*, That the Committee on Uniformity of Laws consider an act providing for the uniformity in form of acknowledgments of deeds and conveyances."

Adopted.

On motion of Mr. EWING (of the West Virginia State Bar Association), a resolution of thanks to the Secretary of the convention [Mr. STEWART], for his faithful and arduous services, was adopted.

And thereupon the association adjourned.

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